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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	3M Company		
Entity	Corporation Citizenship Delaware		Delaware
Address	2501 Hudson Road 220-9E-0 St. Paul, MN 55144 UNITED STATES	1 3M Center	

Attorney	Chet Garner
information	Fulbright & Jaworski, LLP
	600 Congress Avenue Suite 2400
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	UNITED STATES
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Registration Subject to Cancellation

Registration No	3087494	Registration date	05/02/2006
Registrant	National Notification Network, 505 North Brand Blvd., Suite Glendale, CA 91203 UNITED STATES		

Goods/Services Subject to Cancellation

Class 038. First Use: 2002/11/00 First Use In Commerce: 2002/12/00
All goods and services in the class are cancelled, namely: Outcall notification services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Related	TTAB Opposition No. 91175677
Proceedings	

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1550833	Application Date	12/16/1988
Registration Date	08/08/1989	Foreign Priority Date	NONE
Word Mark	3M		
Design Mark			

Description of Mark	NONE				
Goods/Services	Class 009. First use: First Use: 1958/12/31 First Use In Commerce: 1958/12/31 CONNECTORS FOR ELECTRICAL AND COMMUNICATIONS WIRES FOR USE IN THE TELEPHONE INDUSTRY				
U.S. Registration No.	1419185	19185 Application Date 05/01/1986			
Registration Date	12/02/1986	1986 Foreign Priority NONE Date			
Word Mark	3M	•			
Design Mark					
Description of Mark	NONE				
Goods/Services		MAT FOR WRAPPIN	Jse In Commerce: 1975/09/17 IG ELECTRICAL SYSTEMS, CTION FROM EXPOSURE		
U.S. Registration No.	1272530	Application Date	02/18/1983		
Registration Date	04/03/1984	Foreign Priority NONE Date			
Word Mark	3M				
Design Mark					
Description of Mark	NONE				
Goods/Services	Class 009. First use: First U	Jse: 1982/05/18 First U	Jse In Commerce: 1982/05/18		
	ENTRANCE AND DISTRIB ADAPTORS,] MOUNTING COMMUNICATIONS WIRE TELECOMMUNICATIONS	PLATES AND PROTE S TO PROVIDE A NE	ECTIVE COVERS FOR		
	•				
Attachments	73596233#TMSN.gif (1 pag 73413996#TMSN.gif (1 pag Petition 3087494.pdf (17 pag	ge)(bytes)			
Signature	/chet garner/				
Name	Chet Garner				

08/20/2007

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Registered: May 2, 2006	
3M Company,	
Petitioner,	
v.	Cancellation No.
National Notification Network, LLC,	
Registrant.	
	l .

In the matter of Registration No.: 3,087,494

Owned by National Notification Network, LLC for the Mark: 3N

PETITION TO CANCEL

3M Company ("3M"), a Delaware corporation having a principal place of business at 3M Center, 2501 Hudson Road, St. Paul, Minnesota, 55144-1000, believes that it is and will continue to be damaged by the existence of U.S. Trademark Registration No. 3,087,494 for the mark 3N in the name of National Notification Network, LLC and hereby petitions to cancel the registration under the provisions of 15 U.S.C. § 1064.

As grounds for cancellation, 3M asserts that:

- 1. 3M owns the mark and trade name 3M (collectively the "3M mark").
- 2. 3M adopted and began using its 3M mark at least as early as 1906 in connection with abrasives, and has continuously used its 3M mark since that time. Over the past century, 3M has expanded its usage of the 3M mark and presently offers over 50,000 different products and services under the 3M mark in a wide range of areas.

- 3. Over the years, 3M has used variations of its 3M mark, such as MMM, THREE M, 3-M, 3M-MATIC and THREE-M-ITE.
- 4. Over the years, 3M has presented its 3M mark in a number of different formats, as depicted in Exhibit 1.
- 5. For many years, 3M has offered under the 3M mark a wide range of products and services used in emergency preparedness, response and recovery. 3M's comprehensive offerings are described in the attached brochure (Exhibit 2) and product catalog excerpt (Exhibit 3).
- 6. 3M's emergency-related products and services are marketed to national and local governments and agencies as well as private sector customers such as companies and building owners.
- 7. Through the 3M Building Safety Solutions Department, 3M offers a variety of products designed to enhance the safety and security of office buildings and other structures. These products include window film products, concrete protection products, fire protection products and corrosion protection products.
- 8. 3M has offered telecommunications solutions under the 3M mark to industry and government for decades, and today offers comprehensive communications networking systems through the 3M Communications Markets Division. Information on 3M's telecommunications products may be found on its website at www.3mtelecommunications.com.
- 9. 3M enhances the safety and security of the employees of customers in a number of different industries through its wired and wireless communications systems.
- 10. 3M has developed software for inputting, managing and tracking large amounts of information for use in a number of different applications.
 - 11. 3M's 3M mark is inherently distinctive.

- 12. 3M's 3M mark serves to identify and indicate the source of 3M's products and services to the consuming public.
- 13. 3M has developed an enormous amount of goodwill in its 3M mark. This mark is extremely well-known and respected by consumers. The 3M mark represents 3M's commitment to providing high quality products and services to consumers.
- 14. As a result of 3M's long use and promotion of its 3M mark, the 3M mark has become distinctive to designate 3M, to distinguish 3M and its products and services from the products and services of other businesses, and to distinguish the source or origin of 3M's products and services. As a result of 3M's efforts, the consuming public throughout the United States widely recognizes and associates the 3M mark with 3M and its products and services.
- 15. As a result of 3M's long use and promotion of the 3M mark, 3M has acquired valuable common law rights in the 3M mark throughout the United States.
 - 16. 3M's 3M mark is a famous mark.
- 17. In accordance with federal law, 3M has registered its 3M mark on the Principal Register of the United States Patent and Trademark Office and currently owns over 200 federal registrations for the 3M mark covering various products and services. 3M's registrations for its 3M mark and variations include the following representative registrations:

REG. NO.	MARK	FIRST USE (at least as early as)	GOODS
1,550,833	3M	12/31/1958	Connectors for electrical and communications wires for use in the telephone industry.
1,419,185	3M	09/17/1975	Flexible endothermic mat for wrapping electrical systems, pipes and structural steel for protection from exposure to fire.
1,272,530	3M	05/18/1982	Entrance and distribution terminals, connectors, mounting plates and protective covers for communications wires to provide a network for telecommunications within a building

All of these registrations are incontestable pursuant to 15 U.S.C. § 1065.

- 18. On May 3, 2005, many years after 3M first began using the 3M mark, National Notification Network, LLC ("Registrant") filed U.S. Trademark Application Serial No. 78/621,834 which led to U.S. Registration No. 3,087,494 for the mark 3N registered in International Class 38 for "outcall notification services" ("Registrant's Services").
- 19. Registrant markets Registrant's Services under the 3N mark to national and local governments and agencies and private companies.
- 20. Registrant's Services offered under the 3N mark are used in connection with emergency response plans.
- 21. Registrant claims a date of first use of November 2002 and a first use in commerce date of December 2002.
- 22. 3M's 3M mark became famous before Registrant filed the application for the 3N mark or began using the 3N mark.

- 23. Registrant was aware of 3M Company's use of the 3M mark when it selected the mark 3N.
- 24. Registrant's mark so resembles the 3M mark and name as to be likely, when used on or in connection with Registrant's Services, to cause confusion, or to cause mistake, or to deceive. Purchasers and prospective purchasers are likely to mistakenly believe that the services of Registrant offered under the 3N mark are sponsored, endorsed, or approved by 3M, or are in some way affiliated, connected, or associated with 3M. Cancellation is therefore appropriate under 15 U.S.C. § 1052(d).
- 25. Registrant's use of the 3N mark has resulted in actual confusion with 3M and its products.
- 26. When used on or in connection with Registrant's Services, Registrant's mark so resembles the 3M mark and name that it is likely to cause dilution of the distinctive quality of the 3M in violation of in violation of 15 U.S.C. § 1125(c).
- 27. The continued registration of Registrant's 3N mark provides Registrant with *prima* facie evidence of the exclusive right to the use of the mark in connection with Registrant's Services, which is inconsistent with 3M's prior rights in the 3M mark. Such Registration is thus a source of damage and injury to 3M.
- 28. The continued registration of the 3N mark would be a source of damage to 3M because purchasers are likely to attribute the source or sponsorship of Registrant's Services to 3M.
- 29. The continued registration of the 3N mark would be a source of damage to 3M because such mark is likely to dilute the distinctive quality of the 3M mark.

WHEREFORE, 3M believes that it is being, and will continue to be, damaged by the continuing existence of Registrant's registration.

WHEREFORE, 3M requests that this Petition to Cancel be sustained and that Registration No. 3,087,494 be cancelled in its entirety.

The filing fee in the amount of \$300.00 required by 37 C.F.R. § 2.6(a)(17) is being paid electronically via credit card with this Petition to Cancel. The Commissioner is authorized to draw on the deposit account of Fulbright & Jaworski L.L.P., Account No. 50-1212/THRT:201/MSM, in the event that anything prevents the successful completion of electronic payment of the filing fee.

Date: 8/20/07

Respectfully submitted,

Michael S. Metteauer

Chet F. Garner

FULBRIGHT & JAWORSKI L.L.P.

600 Congress Avenue, Suite 2400

Austin, Texas 78701

Tel: 512.474.5201

Fax: 512.536.4598

ATTORNEYS FOR PETITIONER

EXHIBIT 1



THREE







3-M



















PRODUCT OF







¥978

EXHIBIT 2



Emergency Preparedness Response & Recovery

Preparing for and responding to natural and man-made disasters is one of the biggest challenges facing organizations in the private and public sector.

3M works with

emergency man-

agement coordinators

at all levels of govern-

ment to help assess

needs and develop.

strophic events.

strategies to prepare

organizations for cata-

Government, industry, distribution and the community must work together to build a successful preparedness plan and foundation for an effective response.

3M's technology, expertise and support can help provide much of what you need *before*, *during and after* an emergency.

We live where you live.

Supply Chain

Community

Recover V

tockpiles

ш

The Challenge

- Written preparedness plan
 Government, Industry, Supply
 Chain and Community working
- together

 ✓ Stockpile of appropriate

 products

Mock training exercises

3M Support

- Field specialists to work with emergency management coordinators and planners
- Interactive scenario planning tools to help determine appropriate products and resources needs
- Assistance in assessment of events and determination of appropriate products to augment local stockpiles

espond

3M brings experience in supply chain management required during emergencies. 3M also understands the implications when there is a surge in demand for supplies:

The Challenge

- Protection of the health and safety of staff and community
- Minimal disruption to essential services and protection of critical assets
- Rapid deployment of vital supplies

3M Support

- On-site support to assist with coordination of logistical requirements of emergency responders and other agencies
- Established network of experienced distributors
- Timely supply of appropriate products based on preparedness planning scenarios

3M works with your procurement specialist to choose the wide range of products necessary for the rebuilding process

The Challenge

- Prompt rebuilding of infrastructure to assure continuity of operations
- Continued protection of the health and safety of staff and community
- Maximize effectiveness of available funds

3M Support

- Expertise to assist with selection of appropriate, cost effective products
- Engagement with federal, state and local agencies, leveraging 3M's understanding of government procurement process

tecover

3M has the experience and support you can rely on

Prepare



Having the proper equipment and supplies ready, and in the right quantities when needed, is a critical component of successful emergency planning and response activities.

The 3MTM Demand Planners for Points of Dispensing, Surge Capacity-PPE, and Safety and Security Vulnerability Assessment are interactive planning tools designed to help you make critical decisions about the type and quantity of sup-

plies you think will be needed, based on the scenarios you outline. "Only by carefully assessing threats, vulnerabilities, and consequences, and prioritizing our resources, can we fully ensure the most practical and optimized protection for Americans and our nation."

Secretary Michael Chertoff
U.S. Department of Homeland Security
September 12, 2006

Respond



Photo: Gene Dailey/American Red Cross

Local 3M experts are available to provide guidance on critical product selection and logistical requirements at the time of an event.

3M's commitment to deliver the appropriate products is strengthened by our extensive distributor network.

Recover



Rebuilding and re-establishing essential services in the wake of structural devastation is a major step in restoring safety and security to your citizens. 3M's line of personal protective equipment is a vital component of protecting those involved in cleanup and relief efforts.

In addition to personal protective equipment, 3M's wide variety of restoration products include:

- Marking and Signage products
- Electrical products
- · Concrete maintenance products
- Sorbents
- Abrasives
- Tapes
- First Aid products
- · Window Protection Films
- · Cleaning and Disinfecting supplies



3M

Government Markets 3M Center Building 225-4N-15 St. Paul, MN 55144-1000

We're ready to help you with your preparedness, response and recovery needs.

Please call 1-877-906-8505 or visit 3M.com/prepare.

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75-3000-0000-9

EXHIBIT 3

Emergency Preparedness Response & Recovery

Product Catalog

3M

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